

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00432

Jack Cody Raburn,
Plaintiff,

v.

Henderson County Sheriff's Office et al.,
Defendants.


ORDER

Plaintiff brought this suit pursuant to 42 U.S.C. § 1983, alleging deliberate indifference to his serious medical needs. He sued the Henderson County Sheriff's Office—a non-jural entity—along with jail and medical staff as defendants in his original complaint. Doc. 1. The court issued an order to replead. Doc. 5. In response, plaintiff filed an amended complaint, in which he did not name or mention the Henderson County Sheriff's Office as a defendant. Doc. 11. The case was referred to United States Magistrate Judge K. Nicole Mitchell.

The magistrate judge issued a report and recommendation construing plaintiff's amended complaint as a voluntary dismissal of the sheriff's office. Doc. 15. The report noted that the sheriff's office had not filed an answer or summary judgment motion. The report recommended that the sheriff's office be voluntarily dismissed pursuant to Federal Rule Civil Procedure 41(a)(1). Plaintiff did not object to the report and recommendation.

Finding no clear error, abuse of discretion, or legal conclusions contrary to law, the court accepts the report and recommendation. For the reasons stated in the report, plaintiff's claims against the Henderson County Sheriff's Office are voluntarily dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a)(1). The clerk of court is directed to terminate the Henderson County Sheriff's Office as a defendant in this case.

So ordered by the court on March 13, 2023.



J. CAMPBELL BARKER
United States District Judge